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Proposal 536 RELATING TO A HEALTHFUL ENVIRONMENT

Statement for
Con Con Committee on Environment, Agriculture
Conservation and Land

by
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Proposal 536 would amend Article X of the Consitution to add a section establishing a right to a healthful environment, clean air, pure water, and the preservation of natural scenic, historic, and esthetic values of the environment. This statement on the proposal does not reflect an institutional position of the University of Hawaii.

It should be recognized that clean air and pure water are elements of a healthful environment, to which expression of a right under Article X or under Article I, the Bill of Rights, may be appropriate.

Preservation of natural scenic, historic, and esthetic values of the environment and of historic sites is an appropriate policy of the State, but preservation of natural scenic values is sometimes less appropriate than their enhancement, preservation of certain historic values of the environment (for example the water and air pollution of the past would be quite inappropriate).

The Environmental Center has commented elsewhere on other proposals regarding maintenance of a healthful environment. This proposal represents no significant improvement over the others.

Proposal 536 would also provide that the public natural resources of the state are the common property of all the people, a provision not necessary to restate although the proposed recognition of the needs of future generations would be useful.

The proposal would also provide that the State shall conserve and maintain these resources for the benefit of all the people. Conservation itself means a wise balance of preservation and use. Maintenance in its strict sense would preclude any development that would involve a loss of value, particularly any development of a non-renewable resource. Maintenance in this sense would not be in keeping with the benefit of all the people.